

SUPREME COURT OF WASHINGTON

DAVID T. MCDONALD, ET AL.,

Petitioners,

v.

SECRETARY OF STATE SAM REED, ET
AL,

Respondents.

NO.

DECLARATION OF DONALD
HENNING IN SUPPORT OF PETITION
FOR WRIT OF MANDAMUS

I, Donald Henning, declare under penalty of perjury of the laws of the State of
Washington that the following is true and correct:

1. I am over the age of 18, am competent to be a witness herein, and make this
declaration based on my own personal knowledge.

2. I have voted regularly and continuously since becoming eligible.

DECLARATION OF DONALD HENNING
IN SUPPORT OF PETITION FOR WRIT OF
MANDAMUS - 1

[Henning Declaration (revised)]

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

1 3. In late May, I moved from Klickitat County to Clallam County. However, I
2 still own a residence in the town of Goldendale in Klickitat County and was registered to
3 vote in Klickitat County.
4

5 4. In early June, my wife and I went to the Department of Motor Vehicles to
6 change our drivers' licenses. While we were at the Department of Motor Vehicles we were
7 asked whether we would also like to change our voters' registration. We were told that we
8 could change our registration and sign up for a vote-by-mail ballot. After completing and
9 submitting paperwork at that office, we assumed that we were properly registered in Clallam
10 County.
11

12 5. In September, we had not received our vote-by-mail ballots. In order to
13 determine what happened we called the Clallam County Auditor's office. We were
14 informed that we were not able to re-register via the Department of Motor Vehicles and that
15 we should not have been told that it was permissible to re-register at that office. The
16 Auditor's office informed us that we were not registered to vote in Clallam County and
17 could not vote there for the November 2, 2004 election.
18

19 6. My wife and I wanted to ensure that our vote was counted in this year's
20 election. Thus, on November 2, 2004, we drove 360 miles the day of the election back to
21 Klickitat County where we were registered to vote. My wife and I went to our designated
22 polling place for our residence in Goldendale. At the polling place, the election worker
23 informed my wife and I that our names were no longer in the poll book. We were also told
24 that because our names were not present, we would be required to vote by provisional ballot.
25 My wife and I signed our names in the poll book and filled out and sealed the envelopes as
26 instructed by the poll workers.
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DECLARATION OF DONALD HENNING
IN SUPPORT OF PETITION FOR WRIT OF
MANDAMUS - 2

(Henning Declaration (revised))

Perkins Coie LLP
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7. In November, my wife and I received a letter from the Klickitat County Auditor's Office, a true and correct copy of which is attached hereto as Exhibit A. The letter was dated November 19, 2004, addressed to both my wife and me and stated: "Your provisional ballots for the 11-2-04 election were not counted. We had a note from you indicating your new address and your names were removed from our records." Neither my wife nor I ever gave Klickitat County such a note. Clallam County indicated that we were not registered in that county, so there would have been no reason for Clallam to send a cancellation notice to Klickitat. The cancellation notice we received from Klickitat does not make any sense, and we believed that we were still properly registered in Klickitat County as of November 2, 2004.

8. I was the person who signed the poll book and the person who signed the provisional ballot oath on the envelope.

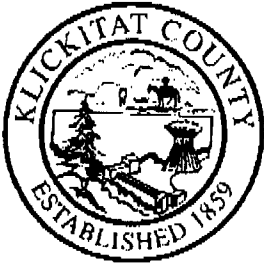
DATED this 3rd day of December, 2004 in _____.

Donald Henning
Donald Henning

DECLARATION OF DONALD HENNING
IN SUPPORT OF PETITION FOR WRIT OF
MANDAMUS - 3

[Henning Declaration (revised)]

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From the Office of Diana Housden

205 S. Columbia, MS-C11-2
Goldendale, WA 98620
(509) 773-4001
FAX (509) 773-4244
1-800-583-8050

Klickitat County Auditor

Licensing • Records & Recording • Elections • Voter Maintenance • Accounting • Payroll

November 19, 2004

Donald and Cheryl Henning
2844 Happy Valley Rd.
Squim, WA 98382

Dear Don and Cheryl,

Your provisional ballots for the 11-2-04 General Election were not counted. We had a note from you indicating your new address and your names were removed from our records.

If you have any questions, please call us at 1-800-583-8050.

Sincerely,

A handwritten signature in cursive script, appearing to read "Myrtle R. Scheradella".

Myrtle R. Scheradella
Elections Department